

## **REMARKS**

Claims 1-48 are pending in the instant application and stand rejected by the examiner. Claims 1 and 39 are independent claims. New claim 49 has been added herein. The assignee traverses the rejections of the pending claims.

### ***Specification***

The office action objected to the specification submitted with the instant application on several grounds. The assignee has proposed amendments to the specification as set forth above. The assignee submits that these amendments introduce no new subject matter and are sufficient to overcome the objections stated in the office action. Therefore, the assignee respectfully requests that the objections to the specification be removed.

### ***Claim Rejections – 35 U.S.C. §§ 102, 103***

Claims 1, 6-8, 21-27, 33-34, and 39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Network Working Group RFC 2633 (June 1999) (Ramsdell). Claims 19-20 and 36-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsdell. Claims 2-5 and 40-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsdell in view of U.S. Patent No. 6,496,853, issued to Klein (Klein). Also, claim 35 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsdell in view of Network Working Group RFC 1991 (August 1996) (Atkins). Claims 9-14, 16-17, 28-32, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsdell in view of U.S. Patent No. 5,958,005, issued to Thorne, et al. (Thorne). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsdell in view of Thorne and further in view of U.S. Publication No. 2002/0121394, application of Kamen, et al. (Kamen). Finally, claim 18 stands rejected under 35 U.S.C. § 103(a)

as being unpatentable over Ramsdell in view of Thorne and further in view of U.S. Patent No. 5,544,316, issued to Carpenter, et al. (Carpenter). These rejections are traversed.

Claim 1 of the instant application recites a method of mimetic message settings selection on a messaging client. The method detects an outgoing message and determines whether the outgoing message is related to a previously received message having message characteristics. If the outgoing message is related to a previously received message having message characteristics, then the messaging settings associated with the message characteristics of the related message are determined and used to control the message characteristics of the outgoing message.

As set forth above, claim 1 recites in part that messaging settings are used to control message characteristics of an outgoing message where the outgoing message is related to a previously received message. The office action cites page 10, lines 28-40 of Ramsdell as anticipating these limitations of claim 1. The cited passage from Ramsdell reads:

2.7.1.2 Rule 2: Unknown Capabilities, Known Use of Encryption

If:

- the sending agent has no knowledge of the encryption capabilities of the recipient
- and the sending agent has received at least one message from the recipient,
- and the last encrypted message received from the recipient had a trusted signature on it,

then the outgoing message SHOULD use the same encryption algorithm as was used on the last signed and encrypted message received from the recipient.

As shown by this passage, Ramsdell does not disclose determining whether an outgoing message is related to a previously received message. Rather, Ramsdell teaches only that an outgoing message should be encrypted in the same manner as the message most recently received from the addressee of the outgoing message. Further, Ramsdell teaches that only the signed and encrypted message most recently received from the addressee should be used to

determine the encryption of the outgoing message. To demonstrate the significant differences between such teachings of Ramsdell and the subject matter of claim 1, if a first user replies to an unencrypted message received from a second user that does not indicate the second user's encryption capabilities, but the second user had previously sent a signed and encrypted message to the first user, then the first user's reply to the unencrypted message will be encrypted. As Ramsdell states, this procedure is followed when the sender does not know the encryption capabilities of the receiver. Thus, if the second user in this example no longer has the encryption capabilities she did at the time the signed and encrypted message was sent to the first user, the second user will be unable to read the reply to the unencrypted message the second user sent to the first user.

As another example of the significant differences between the teaching of Ramsdell and the subject matter recited in claim 1, claim 1 does not rely on a message previously received from the recipient of the outgoing message, but on a message that was received and related to the outgoing message. Thus, in the case of a first user forwarding to a second user a message that comprises at least a portion of a message previously received from a third user, the method of claim 1 will determine messaging settings based on a related message, and those determined messaging settings will be used to control message characteristics of the forwarded message sent by the first user. Under the teaching of Ramsdell, if the first user has not received at least one encrypted and signed message previously from the second user, then the steps set forth in Ramsdell will have no effect whatsoever. In addition, even if the first user had previously received a signed and encrypted message from the second user, the first user in this example is forwarding a message received by the first user from the third user. Under the teaching of Ramsdell, in the above example, the encryption of the message forwarded by the first user will

not be based on message characteristics of a message related to the message received from the third user, but rather on an arbitrary message previously sent by the second user to the first user. For at least these reasons, there are significant differences between the teachings of Ramsdell and the subject matter of claim 1, and therefore claim 1 is patentable and should proceed to issuance.

The assignee disagrees with other positions in the office action as well. For example, claim 3 recites that a received message includes an attachment and that the step in claim 1 of determining whether an outgoing message includes a portion of a previously received message comprises determining whether the outgoing message includes the attachment. In rejecting this claim, the office action cites Ramsdell in view of Klein. Specifically, the office action cites column 11, lines 43-52, Figure 7, and column 9, lines 6-9, all from Klein, as teaching the limitations of claim 3. The office action states that the passage of column 9, lines 6-9 of Klein teaches “that ‘message contents’ include attached documents.” The cited passage from Klein reads:

Those skilled in the art will appreciate that the message contents can include a wide variety of information types such as text, graphics, audio or video clips, attached documents, etc.

The cited passage is part of Klein’s description of Figure 3, which details the flow of a “Message Sender” routine. Further, the sentence immediately preceding the cited passage listed above reads:

After steps 335 or 320, the routine continues to step 340 **to receive from the user the message contents for the new message**, and adds the new contents to the new message. (Emphasis added.)

As Figure 3 and the sentence above make clear, the passage cited in the office action is discussing a message sending routine in which the routine is receiving message contents from a user, as part of creating a new message. The operations in Klein of a user creating a new

message and supplying message contents differ significantly from claim 3 of the instant application, which is directed to selecting messaging settings for an outgoing message that has already been created and for which the process of sending the message has already commenced. Further, there is no mention made in Klein of any routine determining whether an outgoing message includes an attachment that was a part of a previously received message, as required by claim 3. For at least these reasons, claim 3 is patentable over the cited references and should proceed to issuance.

New dependent claim 49 recites additional patentable subject matter. Claim 49 depends from the method of claim 1, and recites wherein the message characteristics of the received message comprise a message format or message font. (The subject matter recited in claim 49 previously comprised part of dependent claim 33.) The assignee submits that none of the cited references disclose the subject matter of new dependent claim 49, and that the claim therefore is patentable and should proceed to issuance.

It is noted that the assignee has not presented arguments herein with respect to the other dependent claims in the instant application. This is done without prejudice to the assignee's right to present arguments regarding each of the dependent claims at any point in the future. Further, since all of the dependent claims in the instant application depend from independent claims that are patentable over the cited references, the dependent claims are themselves patentable for at least the reasons set forth with respect to the independent claims.

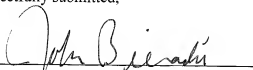
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### CONCLUSION

For the foregoing reasons, the assignee respectfully submits that the pending claims are allowable. Therefore, the assignee respectfully requests that the examiner pass this case to issuance.

Respectfully submitted,

By: \_\_\_\_\_



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